

The House Committee on Motor Vehicles offers the following substitute to HB 1004:

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to definitions relevant to motor vehicle accident reparations, so as to exclude all-terrain vehicles from the definition of motor vehicle; to amend Chapters 2, 3, and 5 of Title 40 of the Official Code of Georgia Annotated, relating to registration, licensing, and certificates of title for motor vehicles and drivers' licenses, so as to provide for registration of all-terrain vehicles; to provide an exclusion from liability insurance requirements for registration of all-terrain vehicles; to provide for an exemption from the federal emission standards for such vehicles; to provide for a licensing fee for such vehicles; to provide for distinctive license plates for such vehicles; to provide that these provisions do not apply to land managed by the federal government; to provide for certificates of title for such vehicles; to provide for certain drivers of such vehicles to be licensed drivers; to provide for operators of all-terrain vehicles under the age of 16 to complete a safety course; to provide for supervision of children under the age of 16 operating all-terrain vehicles; to provide for penalties; to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to provide an exemption from ad valorem taxation for all-terrain vehicles; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to definitions relevant to motor vehicle accident reparations, is amended by striking paragraph (2) in its entirety and inserting in its place the following:

"(2) 'Motor vehicle' means a vehicle having more than three load-bearing wheels of a kind required to be registered under the laws of this state relating to motor vehicles designed primarily for operation upon the public streets, roads, and highways and driven

1 by power other than muscular power. The term includes a trailer drawn by or attached
2 to such a vehicle and also includes without limitation a low-speed vehicle. The term shall
3 not include an all-terrain vehicle that is not operated on the public roads of this state."

4 SECTION 2.

5 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
6 licensing of motor vehicles, is amended by striking Code Section 40-2-20 in its entirety and
7 inserting in its place the following:

8 "40-2-20.

9 (a)(1)(A) Except as provided in subsection (b) of this Code section, every owner of a
10 motor vehicle, including a tractor, ~~or motorcycle,~~ or all-terrain vehicle, and every owner
11 of a trailer shall, during the owner's registration period in each year, register such
12 vehicle as provided in this chapter and obtain a license to operate it for the 12 month
13 period until such person's next registration period. The provisions of the preceding
14 sentence notwithstanding, the registration period for all-terrain vehicles shall be for the
15 life of the vehicle. The vehicle registration shall only be renewed if the license plate
16 is lost, stolen, or damaged beyond repair or if the all-terrain vehicle is transferred to a
17 new owner.

18 (B)(i) The purchaser or other transferee owner of every new or used motor vehicle,
19 including tractors, ~~and motorcycles,~~ and all-terrain vehicles, or trailer shall, within the
20 initial registration period of such vehicle, register such vehicle as provided in this
21 chapter and obtain or transfer as provided in this chapter a license to operate it for the
22 period remaining until such person's next registration period which immediately
23 follows such initial registration period, without regard to whether such next
24 registration period occurs in the same calendar year as the initial registration period
25 or how soon such next registration period follows the initial registration period;
26 provided, however, that this registration and licensing requirement does not apply to
27 a dealer which acquires a new or used motor vehicle and holds it for resale. The
28 commissioner may provide by rule or regulation for one 30 day extension of such
29 initial registration period which may be granted by the county tag agent to a purchaser
30 or other transferee owner if the transferor has not provided such purchaser or other
31 transferee owner with a title to the motor vehicle more than five business days prior
32 to the expiration of such initial registration period.

33 (ii) No person, company, or corporation, including, but not limited to, used motor
34 vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without
35 providing to the purchaser or transferee of such motor vehicle the last certificate of

1 registration on such vehicle at the time of such sale or transfer; provided, however,
2 that in the case of a salvage motor vehicle or a motor vehicle which is stolen but
3 subsequently recovered by the insurance company after payment of a total loss claim,
4 the salvage dealer or insurer, respectively, shall not be required to provide the
5 certificate of registration for such vehicle; and provided, further, that in the case of
6 a repossessed motor vehicle or a court ordered sale or other involuntary transfer, the
7 lienholder or the transferor shall not be required to provide the certificate of
8 registration for such vehicle but shall, prior to the sale of such vehicle, surrender the
9 license plate of such vehicle to the commissioner or the county tag agent by personal
10 delivery or by certified mail or statutory overnight delivery for cancellation.

11 (2) An application for the registration of a motor vehicle may not be submitted separately
12 from the application for a certificate of title for such motor vehicle, unless a certificate
13 of title has been issued in the owner's name, has been applied for in the owner's name,
14 or the motor vehicle is not required to be titled. An application for a certificate of title
15 for a motor vehicle may be submitted separately from the application for the registration
16 of such motor vehicle.

17 (b) Subsection (a) of this Code section shall not apply:

18 (1) To any motor vehicle or trailer owned by the state or any municipality or other
19 political subdivision of this state and used exclusively for governmental functions except
20 to the extent provided by Code Section 40-2-37;

21 (2) To any tractor ~~or three-wheeled motorcycle~~ used only for agricultural purposes;

22 (2.1) To any vehicle or equipment used for transporting cargo or containers between and
23 within wharves, storage areas, or terminals within the facilities of any port under the
24 jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being
25 operated upon any public road not part of The Dwight D. Eisenhower System of Interstate
26 and Defense Highways by the owner thereof or his or her agent within a radius of ten
27 miles of the port facility of origin and accompanied by an escort vehicle equipped with
28 one or more operating amber flashing lights that are visible from a distance of 500 feet;

29 (3) To any trailer which has no springs and which is being employed in hauling
30 unprocessed farm products to their first market destination;

31 (4) To any trailer which has no springs, which is pulled from a tongue, and which is used
32 primarily to transport fertilizer to a farm;

33 (5) To any motorized cart; or

34 (6) To any moped.

35 Notwithstanding any provision of this subsection to the contrary, any all-terrain vehicle
36 must be registered."

SECTION 3.

Said chapter is further amended by striking paragraph (2) of subsection (d) of Code Section 40-2-26, relating to the form and contents of the application for registration, and inserting in its place the following:

"(2) No vehicle registration or renewal thereof shall be issued to any motor vehicle, except for an all-terrain vehicle, unless the tag agent receives satisfactory proof that the motor vehicle is subject to a policy of insurance that provides the minimum motor vehicle insurance coverage required by Chapter 34 of Title 33 or an approved self-insurance plan and, in the case of a private passenger vehicle, that such coverage was initially issued for a minimum term of six months; provided, however, that the owner's inability to register or renew the registration of any motor vehicle due to lack of proof of insurance shall not excuse or defer the timely payment of ad valorem taxes due and payable upon said vehicle. Owners of all-terrain vehicles shall not be subject to the insurance requirements of this paragraph."

SECTION 4.

Said chapter is further amended by striking subsection (a) of Code Section 40-2-27, relating to registration of motor vehicles not manufactured to comply with federal emission and safety standards applicable to new motor vehicles, in its entirety and inserting in its place the following:

"(a) No application shall be accepted and no certificate of registration shall be issued to any motor vehicle designed for use on the public highways which was not manufactured to comply with applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, known as the Clean Air Act, as amended, and applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards and unless all documents required by the commissioner for processing an application for a certificate of registration or title are printed and filled out in the English language or are accompanied by an English translation."

SECTION 5.

Said chapter is further amended by striking the introductory language of subsection (a) of Code Section 40-2-151, relating to annual license fees for operation of vehicles, in its entirety and inserting new introductory language of subsection (a) and a new paragraph (2.1) to read as follows:

"(a) The annual fees for the licensing of the operation of vehicles, except for all-terrain vehicles which shall pay a one-time licensing fee, shall be as follows for each vehicle registered:"

"(2.1) For each all-terrain vehicle 20.00"

SECTION 6.

Said chapter is further amended by striking Code Section 40-2-154, relating to license plates for different classes of vehicles, in its entirety and inserting in its place the following:

"40-2-154.

(a) The commissioner may provide a different license plate for each different class of vehicles specified in this article and may distinguish the plate furnished to each class of vehicles by a different letter or lettering or other symbols or markings on the plates.

(b) The design of the license plate for an all-terrain vehicle shall include the words 'Off Road Only' and shall be distinctive enough so as to be easily identifiable."

SECTION 7.

Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title, security interests, and liens for motor vehicles, is amended by striking paragraph (16) of Code Section 40-3-4, relating to vehicles excluded from registration, and inserting in its place the following:

"(16) A vehicle which is not sold for the purpose of lawful highway use; provided, however, a certificate of title shall be required for an all-terrain vehicle manufactured after January 1, 2007;".

SECTION 8.

Said chapter is further amended by striking subsection (a) of Code Section 40-3-30, relating to requirement of compliance with federal safety standards, in its entirety and inserting in its place the following:

“(a) In addition to the reasons set forth in Code Section 40-3-29, no application shall be accepted and no certificate of title shall be issued to any motor vehicle designed for use on the public highways which was not manufactured to comply with applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards and unless all documents required by the commissioner for processing an application for a

1 certificate of registration or title are printed and filled out in the English language or are
2 accompanied by an English translation."

3 **SECTION 9.**

4 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
5 is amended by adding a new subsection (c) to Code Section 40-5-21, relating to exemptions
6 from licensing requirements, to read as follows:

7 "(c) Nothing in this Code section shall be construed to permit the operation of all-terrain
8 vehicles on the public highways of this state, including paved shoulders, on any portion of
9 The Dwight D. Eisenhower System of Interstate and Defense Highways, or on any lands
10 managed by the federal government, unless the vehicle is being used for law enforcement
11 purposes."

12 **SECTION 10.**

13 Said chapter is further amended by adding a new Code Section 40-5-22.2 immediately
14 following Code Section 40-5-22.1, relating to reinstatement of a license of a child under 16
15 years of age convicted of driving under the influence of alcohol or drugs, to read as follows:

16 "40-5-22.2.

17 (a) No child under the age of ten shall be allowed to operate an all-terrain vehicle on
18 public lands.

19 (b) Before operating an all-terrain vehicle on public lands, any child under the age of 16
20 must:

21 (1) Complete a safety course approved by the Special Vehicle Institute of America; a
22 certificate showing completion of such course shall be in the child's possession at all
23 times when operating an all-terrain vehicle on public lands;

24 (2) Be supervised by a licensed driver 18 years of age or older; such supervision shall
25 mean the child must be within sight of the adult and at a distance of no more than 300
26 feet; and

27 (3) Wear a helmet.

28 (c) Any child under the age of 16 is prohibited from operating an all-terrain vehicle on any
29 public road or highway, the shoulder of any public road or highway, or the right of way of
30 any public road or highway.

31 (d) Any person 16 years of age or older must have a valid driver's license to operate an
32 all-terrain vehicle on public lands.

33 (e) It is prohibited for more than one rider to be on an all-terrain vehicle unless the
34 all-terrain vehicle is designed to carry more than one rider.

(f) Nothing in this chapter shall be construed to permit the operation of all-terrain vehicles on the public highways of this state, including paved shoulders, on any portion of The Dwight D. Eisenhower System of Interstate and Defense Highways, or on any lands managed by the federal government, unless the vehicle is being used for law enforcement purposes.

(g) Political subdivisions of the state may enact ordinances to further restrict the operation and use of all-terrain vehicles within their jurisdiction.

(h)(1) A first conviction of violating any of the provisions of this Code section shall be punishable by impoundment of the all-terrain vehicle, a fine of \$150.00, or both.

(2) A second conviction of violating any of the provisions of this Code section shall be punishable by impoundment of the all-terrain vehicle, a fine of \$500.00, or both.

(3) A third conviction of violating any of the provisions of this Code section shall be punishable by forfeiture of the all-terrain vehicle, a fine of \$1,000.00, or both."

SECTION 11.

Part 2 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, is amended by adding a new Code Section 48-5-470.3 immediately following Code Section 48-5-470.2, relating to exemption of vans and buses owned by religious groups from ad valorem taxation, to read as follows:

"48-5-470.3.

All-terrain vehicles registered and licensed in this state are exempted from any and all ad valorem taxes imposed by any tax jurisdiction in this state."

SECTION 12.

This Act shall become effective on January 1, 2007, and shall apply to offenses committed on or after July 1, 2007.

SECTION 13.

All laws and parts of laws in conflict with this Act are repealed.